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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration
Submitted
with Initial
Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number

SHE1-M95

First Named Inventor

Bradley D. Shepherd

COMPLETE IF KNOWN

Application Number

Filing Date

Art Unit

Examiner Name

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROTECTED DISPLAY CASE

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

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Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☐ Customer Number or ☒ Correspondence address below

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ZIP 92780

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any]) Bradley D.

Family Name or Surname Shepherd

Inventor's Signature 

Date 10-25-01

Residence: City Yorba Linda

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Citizenship USA

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State CA

ZIP 92886

Country USA

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Family Name or Surname

Inventor's Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

City

State

ZIP

Country

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

Declaration of Mr. Brad Shepherd

I, Brad Shepherd, being warned that a willfully false statement, and the like, are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application (or document) or any patent relating thereto, state that:

1. I am the inventor and applicant as to the present patent application for a security display device.
2. I have used lifting mechanisms in various applications since the 1970's. A few samples of those products are attached to this declaration as Exhibit A.
3. In May 1999 I was contacted by Mr. Tom Casey of Display Works and I was asked if I could produce a secure jewelry display case using my knowledge of lifting mechanisms for Traditional Jewelers and specifically for a curved display unit.
4. I started working on the project and decided to use two lead screws to raise and lower the shelf in the display case.
5. On September 17, 1999, I was contacted by Mr. Marion Halfacre. Owner of "Traditional Jewelers." Mr. Halfacre was interested in having a security display device installed in his store to exhibit jewelry to customers and to store the jewelry when the items were not on display.
6. During the September 17 meeting with Mr. Halfacre, I told Mr. Halfacre that I did not have such a product, nor had I ever made anything quite like that device, and that I would need to create such a security display. Mr. Halfacre understood and agreed to permit me to provide him with a display that was an experimental device.
7. I also told Mr. Halfacre that since the display was a brand new idea I would need access to the display while it was being tested and used in his store to

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evaluate the performance of the display case. It would be an experimental operation and this would require that I have complete access to evaluate, operate, maintain, and improve the device.

8. Mr. Halfacre told me that he would need at least six (6) units so that no single unit would appear to be different to a customer. Even though I had never built this type of device before, I agreed to provide six (6) units to Mr. Halfacre since this would provide me with a good sample size for the experimental use and testing of the device in an operating environment such as Traditional Jewelers.

9. At the conclusion of the September 17 meeting, Mr. Halfacre provided me with a deposit to build the cases.

10. Subsequently, I learned of a company named Tampco, located in Fort Myers, Florida, that attempted to make a secure display case using a lifting mechanism and a movable cover and tried to market the device to Niemann Marcus.

11. In December 1999, I saw a CD-ROM presentation that showed how the Tampco display case operated, but not the details of the lifting mechanism.

12. I was told by Mr. Casey that Niemann Marcus was not satisfied with the Tampco product for a number of reasons October 2000.

13. For example, the Tampco display case was slow in operation, noisy, and when the shelf containing the merchandise was fully extended it was not level.

14. Mr. Halfacre was aware of the Tampco security display that Nieman Marcus had evaluated and Mr. Halfacre was not satisfied with the appearance or quality of the displays.

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15. Mr. Halfacre wanted some of the features found in the Tampco display.

For example, the jewelry had to be viewable by the customers but at the end of the day to be secured out of sight. He also wanted a display that was very secure.

16. I provided Mr. Halfacre with six (6) units. I charged him \$48,000.00, which was just to cover the cost of the units and left me with no profits.

17. I installed the units at Traditional Jewelers on January 27, 2000.

18. I have had full access to the displays and I routinely evaluate the operation of the units. I make repairs and use the results of the actual operation of the units to improve the display cases.

19. The following list identifies the actions I took in response to issues related to the displays:

Date	Issue	Action taken
March 8, 2000	Shelf system jammed	Adjust shelf to case shelf
March 10, 2000	Shelf not rising. Store had low voltage output.	Add capacitor to lift motor for more torque
March 12, 2000	Low voltage	Add capacitor to other five lift motors
March 12, 2000	System covers jamming	More tension on cover drive cables
March 12, 2000	System covers jamming	Remove vinyl coating off cable and readjust cable for diameter change

EXHIBIT 100436-10601

20. There was an attempted robbery at Traditional Jewelers where certain displays were shot with 9 mm ammunition. The contents of the display were not damaged. Actions taken in response to the attempted robbery included:

Date	Issue	Action taken
Robbery attempt	Switch and switch plate blown off unit	Fabricate new brass switch plate. Installed new switches.
Robbery attempt	Cover hits shelf	Adjust shelf to case
Robbery attempt	Cover drive motor gear box broken	Remove wooden block that fell during attempted robbery and jammed motor
Robbery attempt	Cover drive motor gear box broken	Replace drive motor. Replace all cover cables with stainless steel and replace aluminum drive pulley

21. I billed Mr. Halfacre for the replacement parts, but paid for everything else myself.

22. The experimental use of these displays in the operating environment has provided me with invaluable information concerning this type of security display.

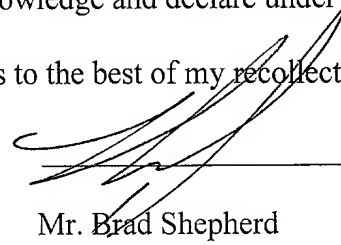
23. As a result of the experimental use of the display cases, I determined that a different lifting mechanism would work better.

24. I designed a lifting mechanism that has a motor on the bottom of the shelf and uses a tooth and gear method to raise and lower the shelf in relation to a fixed guide.

25. Diagrams of the display that I created for Mr. Halfacre are attached to this declaration.

26. I make this declaration on my personal knowledge and declare under penalty of perjury that the foregoing is true and correct as to the best of my recollection.

Date: 10-25-01



Mr. Brad Shepherd

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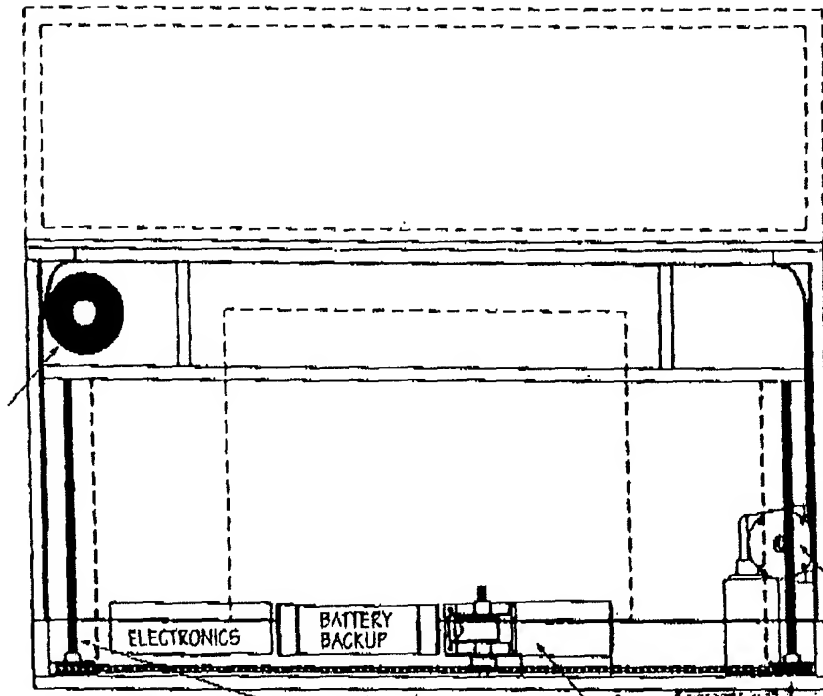


Exhibit A